

**Amendments to the Claims:** This listing of claims will replace all prior versions, and listings, of claims in the application

Listing of Claims:

1. Cancelled.
2. Cancelled.
3. Cancelled.
4. Cancelled.
5. (Withdrawn) Method to clone Novel DNA sequences as claimed in claim 1 from the tree species tea of the same genetic make up growing under field conditions.
6. Cancelled.
7. Cancelled.
8. Cancelled.
9. (Withdrawn) Novel DNA sequences as claimed in claim 1 wherein, the nucleotide sequence of the DNA is given in SEQ ID NO:2.
10. (Withdrawn) Novel DNA sequences as claimed in claim 9 with the nucleotide sequence of the DNA as is given in SEQ ID NO: 2 is expressed only in non-dormant apical buds of tea.
11. (Withdrawn) Novel DNA sequences as claimed in claim 1 wherein the nucleotide sequence of the DNA is given in SEQ ID NO: 3.
12. (Withdrawn) Novel DNA sequences as claimed in claim 11 with the nucleotide sequence of the DNA as is given in SEQ ID NO:3 is expressed only in non-dormant apical buds of tea.
13. (Withdrawn) Novel DNA sequences as claimed in claim 1 wherein, the nucleotide sequence of the DNA is given in SEQ ID NO: 4.
14. (Withdrawn) Novel DNA sequences as claimed in claim 13 with the nucleotide sequence of the DNA as is given in SEQ ID NO: 4 is expressed only in dormant apical buds of tea.

15. Cancelled.

16. Cancelled.

17. Cancelled.

18. (Withdrawn) Use of sequence data as claimed in claim 1, important information on the gene regulation can be obtained.

19. Cancelled.

20. Cancelled.

21. (Withdrawn) Use of sequence data as claimed in claim 1, wherein important information on the gene regulation can be obtained to be exploited to regulate gene expression in transgene.

22. (Withdrawn) Use of cDNAs and the genomic DNAs as claimed in claims 15-16, for synthesizing unique proteins.

23. Cancelled.

24. Cancelled.

25. (Withdrawn) Use of novel sequences as claimed in claim 1 and cDNAs and the genomic DNAs as claimed in claims 15-16, as probe to look for the sequences of nucleotides in other plants, animal and/or microbial systems and the like.

26. (Withdrawn) Use of novel sequences as claimed in claim 1 and cDNAs and the genomic DNAs as claimed in claims 15-16, as probe to look for the expression of these sequences of nucleotides in other plants, animal and/or microbial systems and the like.

27. (Withdrawn) A method to correlate the identified gene with the process of dormancy of tea buds as described for sequence ID 1 is unique.

28. (Withdrawn) A method as claimed in claim 27 which can be applied to other sequence ID as well.

29. (Withdrawn) A method as claimed in claim 27 which can be applied to other crops such as, but not limited to plums, cherries, peaches, *Taxus*, apples, pears, vines, grapes, olives, Kiwi fruit, figs, morus, strawberries, raspberries, cranberries,

blackberries, loganberries, almonds, walnuts and chestnuts as well for correlating similar genes.

30. (New) A DNA sequence comprising the polynucleotide sequence of SEQ ID NO:1, wherein the polynucleotide sequence is expressed or repressed during winter dormancy in apical buds of a first *Camellia sinensis* L. (O.) Kuntze (tea) bush or tree.

31. (New) The DNA sequence of claim 30 wherein the polynucleotide sequence is cloned from a tea bush having the same genetic make-up as the first tea bush or tree.

32. (New) The DNA sequence of claim 30 wherein the polynucleotide sequence is cloned from a *Camellia sinensis* L. (O.) Kuntze (tea) bush or tree species growing under field conditions.

33. (New) The DNA sequence of claim 30 wherein the polynucleotide sequence is associated with winter dormancy in a tea bush or tree species.

34. (New) The DNA sequence of claim 30 which is cloned by subtractive hybridization and differential screening.

35. (New) The DNA sequence of claim 30, wherein the DNA sequence consists of SEQ ID NO:1.

36. (New) The DNA sequence of claim 30 wherein the polynucleotide sequence is overexpressed in non-dormant apical buds of tea.

37. (New) The DNA sequence of claim 30, wherein the polynucleotide sequence is capable of being cloned to full-length cDNA.

38. (New) The DNA sequence of claim 30, wherein the polynucleotide sequence is capable of being cloned to full-length genomic DNA.

39. (New) The DNA sequence of claim 30, wherein the polynucleotide sequence is capable of being cloned to a promotor sequence or a regulatory sequence.